

HOUSE OF REPRESENTATIVES
STATE OF UTAH

M/053/002



REP. MET JOHNSON
74TH DISTRICT
WASHINGTON COUNTY
P. O. BOX 560
NEW HARMONY, UTAH 84757
RES. 586-4239

COMMITTEES: BUSINESS, LABOR AND ECONOMIC
DEVELOPMENT; ENERGY, NATURAL RESOURCES AND
AGRICULTURE; NATURAL RESOURCES AND ENERGY
APPROPRIATIONS SUBCOMMITTEE

February 13, 1995

FEB 16 1995

Diane Nelson
DEQ
168 North 1950 West
Salt Lake City, UT 84114-4810

Dear Diane:

Enclosed is something I think needs to be noted by your division. Please respond to me when you have a moment.

Thanks,

MET
Met Johnson

MJ/jc

Enclosure



5M, INC., P.O. BOX 752, HURRICANE, UTAH 84737 (801) 635-4473

MEMORANDUM

January 6, 1995

To: Utah State Representative Met Johnson
% Jody Campbell
155 North Canyon Road
Salt Lake City, Utah 84103

From: 5M, Inc. - Jerry Glazier

Subj: Silver Reef Mine/EPA Issue

Ref: 'The Plot Thickens'

Dear Representative Johnson:

Enclosed is the cover sheet and several pages of data included in the Final Report prepared by the EPA for the Silver Reef site. Your attention is invited to the following references:

A. 1993 - Final Report: Page 3, Bottom Paragraph:

This is the evidence that the Utah Division of Environmental Quality (DEQ), under the direction of the Utah DEQ District Engineer, Wayne Thomas, in collusion with Mr. LaVar Webb, adjoining real estate developer, initially instigated in 1991 a screening investigation for the purpose of scoring the site under the Hazards Ranking System for further Superfund Designation.

B. 1992 - Final Report: 1.2 Objectives:

Other objectives were to conduct a Wetland Determination, and to identify ecological concerns.

C. 1992 - Final Report: 2.0 Methodology:

Mr. Jasen Knowlton, Utah DEQ, Division of Environmental Response, was also involved from day one in bringing the matter to the EPA, Army Corps of Engineers, the U.S. Fish & Wildlife Service, and the U.S. Soil Conservation Service, as well as the four Federal Agencies involved with Wetlands identification.

As a company, and as shareholders of 5M, Inc., we are shocked to find that our own Utah Agencies are being used so obviously to promote their own, and other special interest agendas. Mr. Wayne Thomas, in our mind, should be fired on the spot, and Mr. Knowlton is not much better. In fact, 5M, Inc. may very well decide to go after them both legally, for liability equal to our documented losses before this is over. The time is opportune for Governor Leavitt to get on this as a chance to start cleaning up government at our own state level. We also may work through Attorney Tim Anderson, Jones, Waldo, Holbrook & McDonough, to encourage the governor to move.

5M, Inc. is also in disbelief that the EPA is on such a fast track schedule to take over under the pretense that the 5M, Inc. site is an emergency situation in the sense that it poses an environmental hazard to residences or Biota, because of potential toxicity or contamination from certain naturally occurring metals and minerals placed on a liner pad.

D. 1993 - Final Report: TABLE 5, Page 36:

This table shows EPA tests of eight area locations where sediment and soil samples were taken for comparison.

Look at #6 area: 'Leeds Creek Diversion': This Diversion is located upstream, 1.75 miles north of our operations. Note that the mercury is higher (77J) than our Pregnant Pond, or our Overflow Pond, Pit, or Perched Pond metals.

Also note that Leeds Creek, one-half mile westerly of our plant, is showing similar results to our facilities. The exception, however, is the higher copper and zinc, which we agree with, but what is the emergency with these metals?

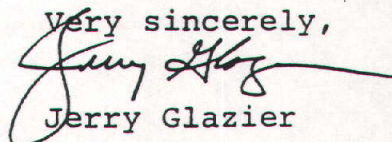
This table proves what we have maintained all along - that the entire surface and subsurface area of the Silver Reef, the massive Virgin Anticline, is mineralized for many square miles, i.e., 7 miles long and 4 miles wide minimum, and all a part of this specific ore deposit. Mineralization exists to depths of 1500 feet. But the EPA says they are not concerned with any metals or problems in the ground; once mined or stockpiled, however, they become a legal target for the EPA. This is very hard to believe - if safety is the real concern. Very simply, the EPA wants us off the market, shut down, and controlled. We are not the emergency they claim us to be.

Also enclosed is a copy of the most recent letter to Ron Madsen. I believe the suggestion to get a complete package in

the hands of Robert Dibblee is important. We are in process of preparing and sending him a package directly to the Washington D. C. office of Senator Hatch.

Thanks again, Met, for your help. Somehow we feel that things will yet work out for the best. I don't even dare tell you that we are ready to start Kaiparowits Coal mining. This we have had to keep very quiet in preparing. We will meet with you later on this one.

Very sincerely,

A handwritten signature in dark ink, appearing to read "Jerry Glazier", with a stylized, flowing script.

Jerry Glazier

JG:s